

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WISCONSIN

MARK A. CAMPBELL
a/k/a NICOLE ROSE CAMPBELL,

Plaintiff,

v.

KEVIN KALLAS, RYAN HOLZMACHER,
JIM GREER, GARY ANKARLO, JEFF ANDERS,
MARY MUSE, MARK WEISGERBER,
ROBERT HABLE, and CATHY JESS,

Defendants.

ORDER

16-cv-261-jdp

On August 29, 2016, I granted plaintiff Mark Campbell, who goes by the name Nicole Rose Campbell, leave to proceed on claims that defendant prison officials violated her Eighth Amendment rights by denying her medical treatment for gender dysphoria. That same day, via electronic notification, this court sent the office of the Wisconsin attorney general a copy of the August 29 order for acceptance of informal service of process on defendants. On September 7, 2016, the attorney general's office advised that it was accepting service on behalf of all defendants. Now Campbell has filed a motion for entry of default pursuant to Fed. R. Civ. P. 55(a).

In support of her motion, Campbell argues that defendants are in default because they failed to file an answer within 40 days of August 29, 2016, the date the Wisconsin Department of Justice was served. Pursuant to Fed. R. Civ. P. 6(a)(1)(C), defendants had until October 11, 2016, to file their answer. The court's record reveals that defendants' answer was electronically filed on October 7, 2016, and Campbell was sent a copy of the answer that same day via the United States Postal Service. Because defendants have not

failed to plead or otherwise defend this lawsuit, there is no basis for granting Campbell's motion for entry of default.

ORDER

IT IS ORDERED that plaintiff Campbell's motion for entry of default, dkt. 18, is DENIED.

Entered October 19, 2016.

BY THE COURT:

/s/

JAMES D. PETERSON
District Judge